

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CATHERINE RUBERY, Derivatively On  
Behalf of E\*TRADE FINANCIAL  
CORPORATION,

Plaintiff,

vs.

MITCHELL H. CAPLAN, R. JARRETT  
LILIEN, ROBERT J. SIMMONS, GEORGE  
A. HAYTER, DARYL BREWSTER,  
RONALD D. FISHER, MICHAEL K. PARKS,  
C. CATHLEEN RAFFAELI, LEWIS E.  
RANDALL, DONNA L. WEAVER and  
STEPHEN H. WILLARD,

Defendants,

-and-

E\*TRADE FINANCIAL CORPORATION, a  
Delaware corporation,

Nominal Defendant.

x

Case No.

**RULE 7.1 STATEMENT**

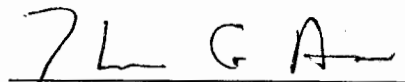
x

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Catherine Rubery, Derivatively on Behalf of E\*Trade Financial Corporation (a private non-governmental party) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held:

No corporate parent

No publicly held affiliates or subsidiaries

Date: October 4, 2007

  
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Signature of Attorney Thomas G. Amon

Attorney Bar Code: TGA 1515